



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

January 31, 2024

**BY ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of the parties to provide a joint status update pursuant to the Court’s Order dated December 20, 2023 (ECF No. 194).

As the parties last reported, the parties have exchanged multiple specific demands regarding attorney’s fees. At the time the parties provided the last report, the Government had prepared a draft counter-offer and was seeking final approvals. During that process, the Government discovered certain inconsistencies in its draft counter-offer and is currently finalizing a corrected proposal, which it anticipates being able to provide to Plaintiffs imminently. Because of this ongoing process, and to allow time for the parties to continue discussing, the parties respectfully and jointly ask the Court’s leave to submit a further status report by March 1, 2024. We thank the Court for its consideration of this request.

Respectfully,


DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
*Attorney for Defendants*

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The Court thanks the parties for this update. A further status report is due **March 1, 2024**.

SO ORDERED.

Dated: February 1, 2024  
New York, New York

  
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PAUL A. ENGELMAYER  
United States District Judge